IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 54 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF INCOME-TAX

Versus

A'BAD MASKATI CLOTH DEALERS COOP SHOPS & WAREHOUSE SOC LTD

Appearance:

MR MANISH R BHATT for Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE A.R.DAVE

Date of decision: 30/08/2000

ORAL JUDGEMENT (Per D.M. DHARMADHIKARI,C.J.

1. The sole question referred to us is as under:-

"Whether, on the facts and in the circumstances of the case, the Income-Tax Appellate Tribunal is right in holding that the income derived by the assessee society from letting out the shops to the licence members who were carrying on business in cloth is clearly exempted under the provisions of sec. 80P(2)(e) of the Income-Tax Act, 1961?"

2. As pointed out by the learned counsel, the question is squarely covered by the decision in assessee's own case CIT vs. The Ahmedabad Maskati Cloth Dealers Co.Op.Shops & Warehouse Society Ltd., Ahmedabad (1986) 162 ITR 142.

3. The question, therefore, is answered against the assessee.

There shall be no order as to costs.

(D.M. DHARMADHIKARI, C.J.)

(A.R. DAVE, J)

[sndevu]